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## BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

AUG 06 2001

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER

DOCKETED BY	<i>sd</i>
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IN THE MATTER OF THE APPLICATION OF  
DAVID A. PETTENGILL d/b/a AMIGA  
ENTERPRISES FOR A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE  
CUSTOMER-OWNED PAY TELEPHONE  
SERVICE IN THE STATE OF ARIZONA

DOCKET NO. T-04017A-01-0380

DECISION NO. 63913ORDER

Open Meeting  
July 24 and 25, 2001  
Phoenix, Arizona

**BY THE COMMISSION:**

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

**FINDINGS OF FACT**

1. On May 4, 2001, David A. Pettengill d/b/a Amiga Enterprises ("Applicant") filed with the Commission an application for a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona.

2. In Decision No. 55817 (December 10, 1987), the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

3. In Decision No. 57797 (April 8, 1992), the Commission adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

4. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes rates and minimum service standards applicable to COPT service.

5. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT Certificates without a hearing.

6. Applicant has requested that a Certificate be granted and has indicated that it will provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT Tariff.

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7. Applicant does not presently provide COPT services in Arizona.

8. On June 7, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending approval of the application without a hearing.

9. Applicant has provided a copy of its customer information placard that complies with the requirements of the Generic COPT Tariff.

10. Staff also stated that increased pay telephone availability is in the public interest.

### CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

3. The provision of COPT service in Arizona by Applicant is in the public interest.

4. Applicant is a fit and proper entity to receive a Certificate for providing COPT service in Arizona.

5. Staff's recommendations in Findings of Fact No. 8 and 9 are reasonable and should be adopted.

### ORDER

IT IS THEREFORE ORDERED that the Application of David A. Pettengill d/b/a Amiga Enterprises for a Certificate of Convenience and Necessity for authority to provide customer-owned pay telephone service in Arizona shall be, and the same is, hereby granted.

IT IS FURTHER ORDERED that the Application of David A. Pettengill d/b/a Amiga Enterprises for a Certificate of Convenience and Necessity for authority to provide customer-owned pay telephone service in Arizona shall be granted subject to the condition that David A. Pettengill d/b/a Amiga Enterprises shall file the following fair value rate base ("FVRB") information within 18 months of the date that it first provides service. The FVRB shall include a dollar amount representing the total revenue for the first twelve months of telecommunications service provided to Arizona customers by David A. Pettengill d/b/a Amiga Enterprises following certification. David A.

Pettengill d/b/a Amiga Enterprises shall also file FVRB information detailing the total actual operating expenses for the first twelve months of telecommunications service provided to Arizona customers by David A. Pettengill d/b/a Amiga Enterprises following certification. David A. Pettengill d/b/a Amiga Enterprises shall also file FVRB information which includes a description and value of all assets, including plant, equipment, and office supplies, used to provide telecommunications service to Arizona customers for the first twelve months following David A. Pettengill d/b/a Amiga Enterprises' certification.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

  
CHAIRMAN

  
COMMISSIONER

  
COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 6th day of August, 2001.

  
BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
PD:mlj

SERVICE LIST FOR:

DAVID A. PETTENGILL d/b/a AMIGA ENTERPRISES

DOCKET NO.:

T-04017A-01-0380

David A. Pettengill d/b/a Amiga Enterprises  
3852 East Dulciana Avenue  
Mesa, AZ 85206

Christopher Kempley, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

Deborah Scott, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007